

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7:23-CV-897**

**IN RE:**

**CAMP LEJEUNE WATER LITIGATION**

**This Document Relates To:**

***Gary Layne McElhiney, Sr.  
and Simone McElhiney v.  
United States of America,  
Case No. 7:23-cv-1368***

**THE UNITED STATES' PARTIAL  
MOTION TO DISMISS OR MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
REGARDING SIMMONE MCELHINEY'S  
LOSS OF CONSORTIUM CLAIM**

Pursuant to Federal Rule of Civil Procedure 56(c), the United States submits this Partial Motion to Dismiss or Motion for Partial Summary Judgment on Plaintiff Simmone McElhiney's loss of consortium claim. As set forth in the accompanying memorandum of law, Mrs. McElhiney lacks standing to bring such claim under the Camp Lejeune Justice Act of 2022 because she fails to, and cannot, allege that she resided, worked, or was otherwise exposed to water at Camp Lejeune between August 1, 1953 and December 31, 1987. Accordingly, the United States respectfully requests that the Court grant its Partial Motion to Dismiss or, in the alternative, Motion for Partial Summary Judgment, and dismiss Mrs. McElhiney's claim.

Dated: September 9, 2025

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2025, I electronically filed the foregoing using the Court's Electronic Case Filing system, which will send notice to all counsel of record.

/s/ Jennifer E. Adams  
JENNIFER E. ADAMS